

## REMARKS

This is a response to the office action mailed Nov. 4, 2004.

The examiner rejected several claims under 35 U.S.C. 112 as being vague and indefinite. Each of these instances has been amended to clarify the meaning of the claim terms.

The examiner rejected many of the claims under 35 U.S.C. 103(a) as being unpatentable under various combinations of art. Each so rejected independent claim has been amended to include a fluidics layer above or below a waveguide layer communication with the nanowell to convey the test samples.

The examiner indicated that claims 90-94 would be allowable if amended to rewritten to overcome the rejections under 35 U.S.C. 112. Claims 90-94 have been so rewritten.

For the above reasons, the examiner will see that the new claims presented are allowable. The examiner is thus respectfully requested to place the case into condition for allowance at his earliest convenience.



Respectfully Submitted

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This paper is being filed by United States First Class Mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313 with sufficient postage by Clifford Kraft on:

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